IN THE HIGH COURT FOR THE STATES OF PUNJUAB AND HARYANA AT CHANDIGARH

CRL.R.NO.273 of 1995
DATE OF ORDER:6.9.2007

Anup Singh ....Petitioner

Versus

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE A.N. JINDAL

Present: Mr. Vivek Goyal, Advocate, for the petitioner.
Mr. K.S. Godara, D.A.G. Haryana.

A.N. JINDAL,J.

The allegations against the petitioner are that he was found in possession of the Vanaspati ghee, which was being sold by him without licence. As such, he violated the provisions of Rule 50 of the Prevention of Food Adulteration, Rules, 1955, punishable under Section 16(1)(a)(ii) of the Prevention of Food Adulteration Act, 1954.

After arguing at length, learned counsel for the petitioner has not assailed the judgment of conviction. However, he seeks some indulgence of this Court to extend some leniency to the petitioner in the matter of sentence.

Having heard counsel for the petitioner on the point of sentence and given my thoughtful consideration to his contentions, I find some substance in the same. The age of the petitioner was 20 years at the time of occurrence. He is the first offender and proceedings have been pending against him since 1991. The case relates to the possession of Vanaspati ghee without any licence, which is merely technical in nature. The petitioner has already suffered much agony of trial. The petitioner has already undergone 5 days of sentence. In these circumstances, the ends of justice would be met if the sentence is reduced to the period already undergone and fine is enhanced.

For the forgoing reasons, the petition is dismissed with the modification in the sentence so as to reduce the same to the period already

undergone by petitioner. However, sentence of fine is enhanced to Rs.2500/-.

Copy of the judgment be sent to the Chief Judicial Magistrate, Jind, for taking necessary action regarding recovery of fine.

6.9.2007 (A.N. JINDAL)
rajeev JUDGE